

## ARTICLE 16

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### **GENERAL REGULATIONS FOR PARKING, LOADING AREAS, GARAGES, AUTOMOBILE SERVICE STATIONS, VEHICLE SALES LOTS AND STACKING AREAS**

#### **16-1 GENERAL REGULATIONS FOR PARKING, LOADING AND PEDESTRIAN AREAS**

**16-1(a) PARKING OR LOADING SPACES ESTABLISHED PRIOR TO ADOPTION OR AMENDMENT OF THIS ZONING ORDINANCE** - Any parking or loading spaces established prior to the adoption or amendment of this Zoning Ordinance that are either used or are intended to be used in connection with any principal building, structure, or use; or any spaces designed and intended to comply with the requirements of this Zoning Ordinance for any such principal building or structure erected after that adoption or amendment date, shall hereafter be maintained, as long as said building, structure, or use remains (unless the owner provides and maintains, in another location, an equivalent number of spaces as required in conformance with the provisions of this Zoning Ordinance).

**16-1(b) PARKING REQUIREMENTS FOR A CHANGE IN THE PRINCIPAL USE** - Where the principal use is changed to a use for which additional parking space is required under the provisions of this Zoning Ordinance, it shall be unlawful to begin or maintain such altered use until the required off-street parking is provided.

**16-1(c) UNITS OF MEASUREMENT FOR DETERMINING THE REQUIRED PARKING** - For the purpose of this Zoning Ordinance, "floor area" as used in computing the required off-street parking or loading areas, shall mean "Parking Floor Area" as defined in this Zoning Ordinance. In stadiums, sports arenas, churches, or other places of assembly where patrons or spectators occupy benches, pews, or other such seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining the requirements for off-street parking spaces under this Zoning Ordinance. When units of measurement used in determining the number of required parking spaces would result in the requirement of a fractional space, any fraction less than one-half ( $\frac{1}{2}$ ) shall be disregarded, and fractions of one-half ( $\frac{1}{2}$ ) or more shall require one (1) parking space.

**16-1(d) LOCATION OF PARKING SPACES** - The location of parking spaces shall be as hereinafter set forth; and where distances are specified, they shall be the walking distances measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve. For one and two-family dwellings, parking shall be provided on the same lot with the building it is required to serve; for multiple family dwellings, not more than 200 feet

from the building the parking spaces are required to serve; for uses located in or permitted in a Professional Office or any business zone (except B-2B); and for hospitals, nursing, convalescent and rest homes, orphanages, private clubs, fraternity or sorority houses, and churches, not more than 300 feet from the building they are required to serve; for uses located in or permitted in any industrial zone and uses not specified above, not more than 700 feet from the building, or other place of assembly, they are required to serve; and for all uses located in the B-2B zone, on any lot located within the B-2, B-2A, or B-2B zones, parking location shall be subject to the qualifications listed under the requirements of the B-2B zone.

**16-1(e) LOADING AND UNLOADING SPACES REQUIRED** - In any zone, every building or part thereof hereafter erected, with a floor area of 10,000 square feet or more, which is to be occupied by manufacturing; compounding; processing; storage; warehousing; goods display; retail store; wholesale store; hotel; hospital; funeral parlor; laundry; dry cleaning; or other uses similarly requiring the receipt or distribution by vehicles of material, objects, or merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space plus one (1) additional off-street loading space for each 20,000 square feet or fraction thereof of floor area so used in excess of 20,000 square feet.

**16-1(f) PERMIT REQUIREMENT** - Permits are required for private walkways, parking, loading or unloading areas. Such permits shall not be issued until the applicant has met the design standards jointly promulgated by the Division of Traffic Engineering and the Division of Building Inspection, the storm drainage requirements of the Division of Engineering, and all other requirements of this Zoning Ordinance.

**16-2 MINIMUM DESIGN AND MAINTENANCE REQUIREMENTS FOR PARKING AREAS** - Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:

- (a) Off-street parking areas shall equal or exceed the number of spaces required, shall be of useable shape and surface, and shall have convenient ingress and egress. Not less than seventy-five percent (75%) of the total required parking spaces shall be designed for use by full-size vehicles. Up to twenty-five percent (25%) of the required parking may be designed and designated for compact vehicles. Aisles and access drives shall be designed so as

to provide adequate vehicular maneuvering wholly upon the property being served; and in no case shall off-street parking areas be permitted that encourage or require the backing onto, or maneuvering within, the right-of-way of any public or private street.

- (b) Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way.
- (c) Any off-street parking area having more than 1,800 square feet of area and/or used by five (5) or more vehicles shall be landscaped and screened as required by Article 18: Landscape and Land Use Buffers.
- (d) A "sight triangle" shall be observed at all street intersections or intersections of driveways with streets as required in Article 18: Landscape and Land Use Buffers and Section 3-3 of this Zoning Ordinance.
- (e) All parking areas shall be paved and drained so as to dispose of all surface water within the parking area without carrying said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.
- (f) Where parking areas are provided for five (5) or more vehicles or contain more than 1,800 square feet of area in a residential zone; or are enlarged or expanded to provide for five (5) or more vehicles or to contain more than 1,800 square feet of area, they shall be paved with an asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area.
- (g) Permanent storm water management, in compliance with the storm water manuals and accepted by the Division of Engineering, shall be provided for all off-street parking areas containing five (5) or more parking spaces and/or more than 1,800 square feet. For off-street parking areas of 1,800 square feet or less, or less than five (5) parking spaces, permanent storm water retention may be required by the Division of Engineering upon the determination that the lack of such retention would cause or aggravate flooding or other drainage problems on surrounding property.

### 16-3 REQUIRED PROFESSIONAL OFFICE OR BUSINESS (EXCEPT B-2B) ZONE AUTOMOBILE PARKING AREA AS A CONDITIONAL USE IN R-3, R-4 or R-5 ZONE

The establishment and operation of a restricted accessory parking area may be authorized by the Board of Adjustment as a conditional use in such parts of any Planned Neighborhood Residential (R-3) zone, High Density Apartment (R-4) zone or High Rise Apartment (R-5) zone as abut, either directly or across an alley, a Professional Office or business (except B-2B) zone or any conforming or non-conforming institutional use in a particular residential zone, subject to the following conditions and requirements:

- (a) The parking area shall be accessory to and for use in conjunction with one or more permitted uses located on

an adjoining Professional Office or business (except B-2B) zone, or in connection with one or more existing conforming or non-conforming institutional uses on adjoining premises.

- (b) Such parking shall be situated on premises not less than 5,000 square feet in area which shall abut at least fifty (50) feet, either directly or across an alley, on a Professional Office or business (except B-2B) zone, or on the premises of the existing conforming or non-conforming institutional use to which the parking area is accessory.
- (c) Such parking area shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits, and conditions of use, shall be maintained on such parking area. Such signs shall conform to the zone in which the parking area is established.
- (d) Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential zone.
- (e) The parking area shall be subject to all requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping, screening, and minimum yards and setbacks.
- (f) Any permit issued by the Division of Planning for such parking area may be revoked any time that the aforementioned requirements are not complied with; and any permittee who uses the premises in violation of any of the conditions specified above, or attached as conditions to such permit by the Board of Adjustment, shall be deemed in violation of this Zoning Ordinance.

### 16-4 PARKING, LOADING AND UNLOADING AREAS IN RESIDENTIAL ZONES

16-4(a) MINIMUM REQUIRED PARKING - In every R-1A, R-1B, R-1C, R-1D, R-1E, R-1T and R-2 zone, there shall be provided at least one (1) off-street parking space for each dwelling unit; no such space shall be located within any required front yard or side street side yard area. The parking area and driveway shall be paved with concrete, asphalt, brick or other suitable hard surface materials, as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an

encroachment permit.

Within the defined Infill & Redevelopment Area, the maximum width in the front yard of any driveway serving the required space(s) per dwelling unit shall be limited to ten (10) feet.

**16-4(b) ADDITIONAL PARKING** - Provided the above parking has been met, additional parking shall be permitted in any R-1A, R-1B, R-1C, R-1D, R-1E, R-1T or R-2 zone, provided the following requirements are met:

- (1) The parking area and driveway shall be paved with concrete, asphalt, brick, grass pavers, or other suitable hard surface materials as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

- (2) The paved areas for parking areas and driveways shall be set back from the property lines as follows:

Zone	Setback from Front Lot Line and/or Side Street Lot Line	Setback from Side & Rear Lot Line
R-1A	15'	8'
R-1B	10'	4'
R-1C	6'	2'
R-1D	6'	2'
R-1E	6'	2'
R-1T	6'	2'
R-2	6'	2'
R-3 & R-4*	6'	2'

\* For single family homes or duplexes, per Article 16-4(c)(6)

- (3) a. If located within the required front yard or required side street side yard, outside the defined Infill and

Redevelopment Area, the percentage of coverage of parking areas and driveways shall not exceed fifty percent (50%) of the total required front or side street side yard. The maximum amount of paved area, including private walkways, shall not exceed sixty percent (60%) of the total required front or side street side yard.

- b. If located within the required front or side street side yard, inside the defined Infill and Redevelopment Area, parking is prohibited, and driveway width shall be limited to ten (10) feet. The maximum amount of private walkways shall not exceed ten percent (10%) of the total required front or side street side yard.
- (4) The design of the parking areas and driveways shall be developed so as to discourage the backing of vehicles onto a public right-of-way.
- (5) The parking area shall be landscaped and screened as required by Article 18 of this Zoning Ordinance.
- (6) A permit shall be required for the construction of all parking areas and driveways that fall under the above regulations. The owner must provide the Division of Building Inspection with a plot plan showing the entire lot, the location of the residence, the layout of the parking areas and driveways (both the required spaces and proposed extra spaces) and all proposed landscaping and screening required, as well as any other information necessary to clearly define the proposed construction as required by the Division of Building Inspection.
- (7) Within the defined Infill and Redevelopment Area, the maximum number of parking spaces on the lot will be no more than fifty percent (50%) additional spaces over the required parking. The following table gives examples of the required and maximum number of parking spaces:

Required Parking	Maximum Parking
1	2
2	3
3	5
4	6

- (8) Properties that have one or more street frontage with restricted parking shall be allowed one (1) additional parking space per restricted street frontage over the maximum allowed parking.

**16-4(c) PARKING, LOADING, AND UNLOADING PROHIBITED IN RESIDENTIAL ZONES R-3, R-4 and R-5** - In the R-3, R-4 and R-5 residential zones, parking, driveways, loading and unloading areas must meet the following requirements:

- (1) No off-street parking area, loading or unloading area, maneuvering area or aisles shall be permitted within the required front yard or side street side yard of any lot with a principal building. Where parking is the

principal use of a lot, such off-street parking, loading or unloading area shall not be closer to any lot line than the distance required for a principal building of one (1) story in height.

- (2) No portion of the front yard or side street side yard, exclusive of driveways, shall be paved or surfaced; and all such front and side street side yards shall be enclosed by a barrier, or landscaped in such a manner, suitable to preclude any such activity as prohibited in this section.
- (3) The parking area and driveway shall be paved with concrete, asphalt, brick or other suitable hard surface materials, as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate.
- (4) Within the defined Infill & Redevelopment Area, the maximum number of surface parking spaces on the lot will be no more than fifty percent (50%) additional spaces over the required parking. [See the table in Section 16-4(b)(7) for examples].
- (5) Properties that have one or more street frontage with restricted parking shall be allowed one (1) additional parking space, over the maximum allowed parking, per restricted street frontage.
- (6) For a single family detached dwelling unit, or a two-family duplex unit in the R-3 or R-4 zone, the parking requirements shall be as per Articles 16-4(a) and 16-4(b).

#### 16-4(d) NON-CONFORMING PARKING EXCEPTION

- (1) No off-street parking space shall be required for a single family detached residence on any lot redeveloped as defined in Article 15-2(a)(1) when the lot already has no off-street parking space (a non-conforming situation).
- (2) No off-street parking space shall be required within the defined Infill and Redevelopment Area where the Urban County Council has established a designated on-street parking area on a block-by-block basis.

16-5 PARKING, LOADING AND UNLOADING AREAS PERMITTED IN REQUIRED FRONT OR SIDE STREET SIDE YARD IN ZONES OTHER THAN RESIDENTIAL ZONES - In any zone other than a residential zone, or an industrial zone adjoining an Agricultural Rural (A-R), Agricultural Buffer (A-B) or Agricultural Natural (A-N) zone across a public or private street right-of-way, off-street parking, loading or unloading areas may be permitted within the required front or side street side yard if there is sufficient depth between the street right-of-way line and the building line or other barrier to accommodate all parking and maneuvering without the necessity of backing over the street right-of-way line. All

portions of front yards and side street side yards, including driveways, shall be enclosed by a barrier or landscaped in accordance with the landscaping requirements for vehicular use areas set forth in Article 18 of this Zoning Ordinance.

#### 16-6 SINGLE PARKING AREAS FOR MULTIPLE USES -

The required off-street parking for any number of separate uses may be combined in one lot; but the off-street parking required by any use for the purposes of complying with this Zoning Ordinance shall not be counted, nor shall it be included in the off-street parking required for any other use unless specifically permitted herein.

16-7 JOINT USE OF PARKING AREAS - The Division of Planning may, upon application by all parties involved, authorize the joint use of off-street parking facilities. Joint use of off-street parking shall be subject to the following limitations and conditions:

- (a) Off-street parking areas required for detached single family and two family residential use shall not be included in any joint parking arrangement. For the purpose of this Article, residential uses shall be considered between the hours of 7 p.m. and 7 a.m.
- (b) Up to one hundred percent (100%) of the off-street parking required for a church, or an auditorium incidental to a public or private school; and up to seventy-five percent (75%) of the off-street parking required for any other use may be provided by a joint parking arrangement.
- (c) The joint parking area shall be within 300 feet of all of the uses being served by such facility, measured by the walking distance from the nearest point of the parking facility property to the nearest point of the property where the use is located and which the parking is intended to serve.
- (d) The applicant shall submit sufficient data to the Division of Planning to demonstrate that the normal and regular operating hours of the uses proposing a joint parking arrangement do not coincide or overlap by more than one (1) hour.
- (e) All parties shall execute a properly drawn legal instrument for the joint use of off-street parking areas. This instrument, having been approved as to form and manner of execution by the legal counsel of the Lexington-Fayette Urban County Government, shall be filed with the application.

#### 16-8 SPECIAL ACCESS, SURFACE, AND LOCATION REQUIREMENTS FOR GARAGES, PARKING LOTS, AUTOMOBILE SERVICE STATIONS, AND VEHICLE SALES LOTS

16-8(a) REQUIRED DISTANCE BETWEEN SERVICE STATIONS/GARAGES/AUTOMOBILE REPAIR SHOPS/AUTOMOBILE & VEHICLE REFUELING STATIONS AND RESIDENTIAL ZONES AND/OR INSTITUTIONAL USES - No building, structure or premises intended or

designed to be used as a community garage; an automobile repair shop; a service station; an automobile and vehicle refueling station or a parking lot or structure, whether a principal or a conditional use on a property, shall be used, erected or altered, which has an entrance or exit for vehicles in the same block front and within 200 feet of the property boundary of any school; public playground; church; hospital; public library; convalescent, nursing or rest home or orphanage. No such entrance or exit, except for a community garage, shall be located within twenty (20) feet of any residential zone; nor shall any structure used for an automobile repair shop or service station, or any part of a parking lot or structure, be located within 100 feet of any property boundary line of any of the aforesaid public or institutional uses. "Parking lot," as used herein, does not include off-street parking areas as otherwise required for the public or institutional uses listed above.

**16-8(b) REQUIRED DISTANCE BETWEEN GASOLINE/OIL DISPENSING FACILITIES AND RESIDENTIAL ZONES/USES** - No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen (15) feet of any right-of-way line, or within fifty (50) feet of a residential zone, except where such a pump, pit or appliance is within a completely enclosed building and distant at least fifteen (15) feet from any vehicular entrance or exit of such building. Notwithstanding the above provision, no gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within 65 feet of a single family residential zone or within 65 feet of a single family detached residential unit located in any residential zone. However, such 65-foot dimension shall not be applicable to the renovation, reconstruction, redevelopment, or construction of such a service station upon a tract used by such a facility within twelve (12) months prior to the application for a building permit. Except for gasoline service stations, no gasoline pump shall be permitted as an accessory use for another activity unless a site plan showing the following is submitted to, and approved by, the Division of Planning:

- (1) A safe traffic flow pattern shall exist at all times for vehicles to be serviced with gas, including a safe entrance and exit to the service area, and a traffic flow lane not impeded by parked vehicles or other objects.
- (2) A safe traffic pattern shall exist for pedestrians to insure that pedestrian flow for other purposes is not routed by the gasoline pumps, thereby exposing such pedestrians to unnecessary hazards.
- (3) The gasoline pumps shall be operated only by employees of the activity; or if others are permitted to operate them, the facility must comply with Chapter 28 of the Kentucky Fire Prevention Code, specifically Section F-2803.8.2 and Section F-2803.8.3.

**16-8(c) REQUIRED DISTANCES BETWEEN AUTOMOBILE AND VEHICLE REFUELING STATIONS DISPENSING COMPRESSED NATURAL GAS AND/OR LIQUID NATURAL GAS AND OTHER USES** - In addition

to the requirements of this section (above), no stationary dispensing equipment for compressed natural gas or liquid natural gas associated with an automobile and vehicle refueling station may be located within:

- (1) 10 feet of any sidewalk, walkway, parking lot or property line;
- (2) 15 feet of any electrical source or any overhead electric utility line;
- (3) 50 feet of a right-of-way line, a building on another lot, or the nearest rail of any railroad line;
- (4) 65 feet of a residential zone; and
- (5) not less than 50 feet of a fire hydrant.

**16-8(d) REQUIREMENTS FOR VEHICLE SALES LOTS** - Every parcel of land hereafter used as an automobile, truck, mobile home, boat, trailer, or camper sales lot, or as an automobile service station shall be subject to the requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping and screening, and minimum yards and setbacks; and shall be considered, in the application thereof, as the equivalent of a parking area for more than five (5) vehicles, regardless of its size.

**16-8(e) COMMUNITY GARAGES AS CONDITIONAL USES** - Community garages permitted as a conditional use in a R-3 and R-4 zone shall not be within 80 feet of any right-of-way line or in a R-3 zone be within 25 feet of any other lot line; or in a R-4 zone be within 20 feet of any lot line, except the rear lot line of an adjoining Professional Office, Business or Industrial zone.

**16-9 STACKING AREA** - For any use which utilizes a drive-in or drive-through window or service area, a vehicular stacking area shall be provided for a minimum of five (5) vehicles. Such vehicular stacking area shall not include any spaces located at the windows or service areas, shall be provided wholly on the property and shall not include any right-of-way. Where menu boards or other stopping points are utilized before moving to the window or service area, the vehicular stacking area shall not include the space at the stopping point nor the spaces between that stopping point and the window or service area. The vehicular stacking area shall be subject to all yard, paving, landscaping and other requirements of a vehicular use area, as contained in Article 18.

**16-10 REDUCTIONS OF MINIMUM REQUIRED PARKING** - All parking reductions shall apply only under the following circumstances:

- (1) Uses shall be limited to attached single family dwellings and multi-family dwellings in residential and/or mixed use zones.
- (2) Properties in the P-1 and B-1 zones, when located within the Infill & Redevelopment Area, are eligible.
- (3) Properties in the B-3 or B-6P zone, when required to meet the provisions of Article 12-8 herein, are eligible for parking reductions.

- (4) The Planning Commission must approve the specific proposed use of the property on a development plan.
- (5) The total maximum amount of parking reductions, including the on-street parking provision of the Mixed Use zones, shall not exceed a fifteen percent (15%) reduction of the otherwise required parking, unless the Board of Adjustment grants a parking variance allowable under Article 7.

16-10(a) ALLOWABLE BICYCLE REDUCTIONS - Sites having fifty (50) or more parking spaces may reduce the total minimum automobile parking space requirement by one (1) parking space for every one (1) bicycle space provided on a permanently constructed bicycle rack. The maximum reduction of required parking spaces shall not be reduced less than five percent (5%) of the otherwise required amount. Only the provision of additional bicycle spaces shall count toward this reduction when a minimum bicycle space is required. Provision of bicycle spaces shall not count against the otherwise required minimum for the calculation of the maximum parking allowed.

16-10(b) ALLOWABLE TRANSIT STOP REDUCTIONS - Sites located within 300 feet of a transit stop with a shelter may be allowed a ten percent (10%) reduction of the minimum required parking. Sites located within 300 feet of a transit stop without a shelter may be allowed a five percent (5%) reduction of the minimum required parking. If the site is located within 300 feet of more than one transit stop, the maximum reduction allowed will be ten percent (10%) for this specific parking reduction. Provision of a transit stop shall not count against the otherwise required minimum for the calculation of the maximum parking allowed.

In addition, “big-box” developments in any B-3 or B-6P zone may be allowed a ten percent (10%) reduction of the minimum required parking if a designated Park & Ride lot is provided on the site near a transit stop with a shelter (designed to meet the specifications of the Lexington Transit Authority), provided the shelter is directly connected to the entrance of a “big-box” establishment by a sidewalk or designated pedestrian pathway.

16-11 EFFECT OF PEDESTRIAN-ORIENTED BUSINESS DISTRICT - For any such district created under Code of Ordinances Article 18, Chapter XIII, the provisions of the district will take precedence over any off-street parking requirements or related provisions contained in the Zoning Ordinance.